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State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Public Health, Bureau of Community Health Systems, will conduct a public hearing at 10:00 a.m. Thursday, April 21, 2022, to receive public comment regarding the adoption of proposed amended regulations 28-51-100, 28-51-101, 28-51-103, 28-51-104, 28-51-105, 28-51-106, 28-51-107, 28-51-109, 28-51-110, 28-51-111, 28-51-112, and 28-51-113; the adoption of proposed new regulations 28-51-117 and 28-51-118; and the revocation of 28-51-102, all regarding KDHE article 51 home health agency licensure.

Due to recent public health concerns, only remote public participation is available. To participate in the teleconference hearing, call 1-866-620-7326 and enter conference code 8141969688#. During the teleconference public hearing, all interested individuals will be given a reasonable opportunity to present their comment orally on the proposed regulations. It is requested that each individual giving oral comment provide a written copy of the comment for the record prior to the hearing by email or postal mail to the email or postal mailing address listed in this notice or by fax to the fax number also listed in this notice. In order to give each individual an opportunity to present their comment, it may be necessary for the hearing officer to request that each presenter limit an oral presentation of comment to an appropriate time frame.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comment on the proposed regulations. Individuals are encouraged to participate in the public hearing by submitting written comment prior to 5:00 p.m. on the day of the hearing. Submit written comment, including a written copy of oral comment, to Marilyn St. Peter, RN, Health Care Facilities Program Acute and Continuing Care, Bureau of Community Health Systems, Kansas Department of Health and Environment, Curtis State Office Bldg., 1000 SW Jackson, Suite 330, Topeka, KS 66612, by email to Marilyn.St.Peter@ks.gov, or by fax to 785-559-4259.

A summary of the proposed regulations and estimated economic impact follows:

Summary of Regulations

K.A.R. 28-51-100. Definitions. Updates existing definitions, adds definitions of terms used in these regulations, and deletes defined terms that are no longer used.

K.A.R. 28-51-101. Licensing procedure. Specifies the licensing procedures for initial applications and renewals, sets the fees for each type of home health agency license and the fees to renew each type of license. Also specifies the notifications to be provided to the state agency for changes in the operation of a home health agency.

K.A.R. 28-51-102. Revoked. Was license fees. Fees for initial licenses and renewals are now included in K.A.R. 28-51-101.

K.A.R. 28-51-103. Organization and administration. Updates the requirements for operation of the home health agency, qualifications of administrators and other personnel, training required for personnel and the records required to be kept by each home health agency related to personnel.

K.A.R. 28-51-104. Home health services, HCBS, and supportive care services. Updates the requirements for the provision of services for each type of home health agency. Includes the records required to be kept by each home agency for services provided.

K.A.R. 28-51-105. Nursing services. Specifies the requirements that shall be met when a home health agency provides nursing services.

K.A.R. 28-51-106. Therapy services. Specifies the requirements that shall be met when a home health agency provides therapy services, including physical therapy, occupational therapy, speech therapy, and respiratory therapy.

K.A.R. 28-51-107. Social services. Updates language for the requirements that shall be met when a home health agency provides social services.

K.A.R. 28-51-109. Nutritional and dietary consultation. Updates language for the requirements that shall be met when a home health agency provides nutritional and dietary consultation services.

K.A.R. 28-51-110. Clinical records and client records. Specifies the requirements for each type of home health agency related to records of patients and clients.

K.A.R. 28-51-111. Patients' and clients' bill of rights. Updates the rights of patients to include the rights of clients.

K.A.R. 28-51-112. Home health aide training; state test. Updates when personnel are required to meet training requirements specified in these regulations and refers to the state test required for home health aides.

K.A.R. 28-51-113. Home health aide qualifications. Revises the language requiring home health aides to complete training courses and updates the documents adopted by reference for administering courses to home health aides.

K.A.R. 28-51-117. Supportive care services. A new regulation that specifies the requirements for providing supportive care services, the qualifications of the personnel providing supportive care services, and the policies and procedures required to be followed for various types of services that may be provided, including limitations of the services that may be provided.

K.A.R. 28-51-118. HCBS. A new regulation that specifies the requirements for providing home and community-based services and the qualifications and training of the personnel providing these services.

Economic Impact

Cost to the agency: The proposed regulations will result in minimal costs to KDHE that can be absorbed in the ongoing KDHE budget.

Cost to the public and regulated community: Based on new home health licenses for supportive care services, new skilled home health and/or HCBS agencies and the slight increase in fees added together, the overall total cost to all licensees throughout the state is estimated to be between \$14,500.00 and \$22,500.00 annually. The increase in fees will reflect the time involved in reviewing applications and partially covering the cost of the survey process.

Cost to other governmental agencies or units: The proposed regulations will not result in increased costs to other governmental agencies or units.

A detailed economic impact is provided in the economic impact statement that is available from the designated KDHE contact person or at the KDHE Health Facilities Program website, as listed below.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the KDHE Health Facilities Program website, at <https://www.kdhe.ks.gov/449/Health-Facilities-Program> or by contacting Marilyn St. Peter at Marilyn.St.Peter@ks.gov, phone 785-506-7860, or fax 785-559-4259. Questions pertaining to the proposed regulations should be directed to Marilyn St. Peter at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Marilyn St. Peter.

Janet Stanek
Acting Secretary

